

REMARKS/ARGUMENTS

The non-Final Office Action dated December 03, 2007 has been received and the comments have been considered. Claims 1 and 3 have been amended. New claims 7-10 have been added to particularly point out the subject matter of applicants' invention. Claims 1-10 are currently pending. Applicants respectfully request reconsideration in view of the remarks set forth below.

Applicants thank the examiner for his examination of the application and the indication of allowable subject matter in claims 1-4.

Claims 3 and 4 have been objected for certain informalities. Applicants have amended claims 3 and 4 to conform to the Examiner's suggestions. Accordingly, this objection should be withdrawn.

Claims 1-4 stand rejected under 35 USC § 112, second paragraph as being indefinite. Applicants respectfully submit that the phrase "reducing interferences," as used in the preamble, in the context of its usage of other words and phrases in the claim, has been defined with sufficient clarity and precision such that one of ordinary skill in the art would be apprised of the scope of such claim. See MPEP § 2173.02 at p. 2100-218 (Rev. 6, Sept. 2007), which states that *"[t]he Examiner's focus during examination ...with the requirement of 35 U.S.C. 112, second paragraph is whether the claims meet the threshold of clarity and precision, not whether more suitable language or modes of expression are available."*

However, in the interest of compact prosecution, applicants have amended claims 1-4 to recite further descriptions of the reduction of interferant effects. In particular, applicants have amend claims 1 and 3 to recite that the interferant current produced at the uncovered area is proportional to interferant current produced overall; and the method calculates a corrected current value representative of a glucose concentration using a ratio of said covered area to said uncovered area of said second working electrode to reduce the effects of interferants. Support for this amendment to the claims is provided in the originally filed application at, for example, paragraphs 0054 and 0055. No new matter is believed to have been entered by way of this amendment. Accordingly, this rejection has been overcome and should be withdrawn.

Claims 1-4 are therefore in condition for allowance as indicated by the Examiner.

Serial No. 10/577,586

New claims 5-10 have been added to particularly point out and claim the subject matter of applicants' invention. In particular, dependent claims 5 and 6 have been added to recite the various interferants that may cause interferant effects in which the claimed method is intended to reduce or remove. Claim 7 has been added to recite the features of the electrochemical sensor and substantially the subject matter recited in claim 1. Claim 8 has been added to correspond to dependent claim 2. Claim 9 has been added to recite the features of the electrochemical sensor and substantially the subject matter recited in claim 3. Claim 10 has been added to correspond to dependent claim 4. Support for the new claims is provided in the originally filed application at, for example, paragraphs 0032-37, 0043-0057, and in Figs. 1-7. No new matter is believed to have been entered by way of this amendment. Accordingly, claims 5-10 are also in condition for allowance.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance and applicant earnestly solicits early examination on the merits and issuance of a Notice of Allowance. Should the Examiner believe that any additional information or amendment is necessary to place the application in condition for allowance, he is urged to contact the undersigned Attorney via telephone at 408-942-5721, or facsimile number 408-956-4404.

The Commissioner is hereby authorized to charge any required fees due in connection with this submission, including petition and extension of time fees, and to credit any overpayment to Deposit Account No. 10-0750 (Docket No. DDI5015USPCT/KQT (Johnson & Johnson).

Respectfully submitted,

Dated: April 22, 2008

By: /Khoi Ta/
Khoi Q. Ta
Reg. No. 47,300

Johnson & Johnson
International Patent Law Division
Attn: Philip Johnson
P.O. Box 1222
New Brunswick, NJ 08903
(408) 942-5721